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Department of
Agriculture

Forest
Service

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Southwest
Region

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File Code: 1570

Objection No.: 14-05-00-0034-O219

Date: October 3, 2014

Mr. Evan Sollberger
6255 Caminito Juanico
San Diego, CA 92111

CERTIFIED – RETURN
RECEIPT REQUESTED

Dear Mr. Sollberger:

The Legal Notice of the objection period for the Angeles National Forest Plan amendment Supplemental Environmental Impact Statement (SEIS) was published on January 17, 2014. On March 17, 2014, I received your objection on the proposed amendment. You were eligible to file an objection and your objection letter was filed during the objection-filing period.

This letter is my written response to your objections. As required by 36 CFR 219.56(g), “The Reviewing Officer must issue a written response to objector(s) concerning their objection(s) within 90 days following the end of the objection-filing period. However, the Reviewing Officer has the discretion to extend the time when he or she determines that additional time is necessary to provide adequate response to objections or to participate in resolution discussions with the objector(s)”. Pursuant to 36 CFR 219.56(g) I chose to extend the response time by 60 days to accommodate objection resolution meetings with the objectors and interested persons and to provide adequate time to consider the concerns presented at the resolution meeting. In addition, due to the recent West Napa Earthquake resulting in the Regional Office being closed for five days, all response times have been extended by an additional five days.

Plan Amendment Summary

Land Management Plans (LMPs or forest plans) are required by the National Forest Management Act (NFMA) of 1976. They are an integrated document that describes the goals, objectives, and management direction for each component of the National Forest System. The four southern California national forests (also referred to as the four forests) adopted revised Land Management Plans in April 2006.

The decision to adopt the forest plans was challenged in federal court by two parties in separate cases: one filed by the State of California (*California Resources Agency, et al vs. United States Department of Agriculture*), and the second by several environmental organizations (*Center for Biological Diversity, et al vs. United States Department of Agriculture*). The cases were consolidated, and on September 29, 2009, District Court Judge Marilyn Hall Patel entered judgment, granting in part and denying in part the parties’ motions for summary judgment. The



Court held that the Forest Service's Final Environmental Impact Statement (FEIS) for the revised forest plans violated the National Environmental Policy Act (NEPA) and the NFMA. On December 15, 2010, the parties finalized a settlement agreement determining the forms of relief. The settlement requires, in part, that:

The Forest Service will prepare a Supplemental Environmental Impact Statement ("SEIS") that re-examines forest plan management direction with regard to Inventoried Roadless Areas ("IRAs") within the Angeles, Cleveland, Los Padres and San Bernardino National Forest (collectively, "four forests") and analyzes alternative monitoring protocols. The SEIS will include a description of the Forest Service's efforts to coordinate with the State Plaintiffs regarding the State's policies for management of roadless areas. At the request of the Environmental Plaintiffs and the People of the State of California, the Forest Service will consider, at a minimum, the areas listed in Attachment A, or portions thereof, for potential rezoning to the Recommended Wilderness ("RW") or Back Country Non-Motorized ("BCNM") land use zones and the SEIS will include as a component of the proposed action, a proposal to rezone these areas, or portions thereof, to the RW or BCNM land use zones. Additional alternatives will also be considered as part of the NEPA process. The Forest Service will use best efforts to complete the SEIS and issue a Record of Decision within twenty-four months of the effective date of the Settlement Agreement.

The Final Supplemental EIS (SEIS) for the southern California national forests LMP amendment was prepared in response to the settlement agreement requirements, and supplements the record established for the LMP revision approved in 2006. The proposed amendments to the 2006 LMPs are limited in scope and designed to address only the terms of the settlement agreement.

The Responsible Official selected the land use zone amendment described in Alternative 2a, and the monitoring strategy amendment described in Alternative B. Alternative 2a is a modification of the preferred alternative published in the Draft SEIS, and both Alternatives 2a and Alternative B are described in more detail in Chapter 2 of the Final SEIS. Alternative 2a will amend the Angeles National Forest Land Management Plan to change the zoning for approximately 42,000 acres in and adjacent to the Salt Creek and Fish Canyon Inventoried Roadless Areas (IRAs) from their existing land use zones, which are primarily Back Country Non-Motorized (BCNM), to Recommended Wilderness (RW). Alternative 2a also includes the addition of approximately 2,300 acres of BCNM zoning to the other IRAs evaluated in the Final SEIS, including the Red Mountain, Sespe-Frazier, Tule, West Fork, and Westfork IRAs. Alternative B amends the existing monitoring protocols by updating the monitoring questions and revising the process used to select projects for monitoring.

Changing the land use zones under Alternative 2a would also change the Recreation Opportunity Spectrum (ROS) and Scenic Integrity Objectives (SIO) for the areas zoned as RW. As described in Chapter 4 of the Final SEIS, in Tables 89 and 96, the ROS will change to Primitive, and the SIO will change to Very High for areas zoned as RW.

It is important to note that an RW zoning allocation is a preliminary administrative recommendation that will receive further review and possible modification by the Chief of the Forest Service, the Secretary of Agriculture, and the President of the United States. The Congress has reserved the authority to make final decisions on wilderness designation.

This plan level decision does not authorize any specific project activities such as vegetation management or road decommissioning does not amend any permits or contracts or authorize any activity allowed by permit or contract, and does not modify any prohibitions, known as “Forest Orders” issued under 36 CFR § 261 Subpart B. The decision is also consistent with the requirements of 36 CFR § 294 Subpart B, Protection of Inventoried Roadless Areas, also referred to as the Roadless Area Conservation Rule (RACR).

Objection Summary

In their objections, objectors asked to change the amendment in the following ways:

- 1.) Reconsider the California Chaparral Institute’s recommendation to develop a baseline for the remaining old-growth stands of chaparral that includes historical analysis (California Chaparral Institute (CCI)).
- 2.) Use best available science, including the work of Dr. Jack Cohen, to design fuels treatments near communities, in order to promote health of the chaparral community and provide cost-effective structure protection (CCI).
- 3.) Exclude Fish Canyon Trail and Burnt Peak Trail from Recommended Wilderness to preserve mountain bike access and connectivity from Liebre Mountain and Sawmill Mountain to Cienaga Campground and Castaic Lake State Recreation Area (Evan Sollberger).

Resolution Meeting

On July 10, 2014 I sent you an email and a letter in an effort to convene a meeting to discuss your concerns about the Angeles National Forest plan amendment. A resolution meeting was held on July 23, 2014. At the resolution meeting, Mr. Sollberger explained his concern regarding access for mountain bikes (especially for Fish Canyon Trail and Burnt Peak Trail) and that any Recommended Wilderness (RW) designation would automatically preclude trail use by mountain bikes. We discussed that it would require a forest order to close trails in RW to mountain bikes and that the Draft Record of Decision states no intent to issue a forest order to close access to mountain bikes, but only intent to manage the proposed RW to protect wilderness values. I appreciate the participation of the objectors and interested persons in the objection process in general, and in particular those that participated in the objection resolution meeting. I found our discussion to be helpful to understanding your concerns.

Objection Responses

Monitoring

Objection Issue Summary:

In general, the objector sees the monitoring alternative chosen in the Angeles National Forest’s (ANF) decision as inadequate. The objector also states “the USFS’s rejection of our suggestion

to develop a baseline for the remaining old-growth stands of chaparral because it involved changing goals ... is not particularly compelling” (CCI).

Summary of Record Review Findings:

The ANF appropriately applied the 1982 Planning rule requirements to “obtain and keep current inventory data appropriate for planning and managing the resources.” Baseline/inventory chaparral data exists for the ANF and it can be found in the 2006 SoCal LMP analysis. The ANF has a clear, well-articulated strategy for the development of monitoring questions related to chaparral based on National Strategic Plan desired conditions and goals and objectives that will serve to inform an adaptive management process related to forest planning. No planning requirement exists for the development of a chaparral historical analysis.

Final Instructions to Responsible Official:

There are no instructions at this time.

NEPA

Objection Issue Summary:

The objector is concerned about the use of best available science in determining how the Forest Service manages chaparral near communities (CCI).

Summary of Record Review Findings:

As stated in the Response to Comments, the issue related to use of best available science in project design is beyond the scope of this analysis, which is to amend LMP land use zone allocations for select IRAs and to amend LMP monitoring and evaluation protocols in response to the terms of the Settlement Agreement between the Forest Service, State of California, and other settlement parties.

The Forest’s response to the objector’s comment that the use of research to design fuels management treatments is best considered at the project level is correct. It would be appropriate to consider the research suggested by the objector in designing site-specific projects - it is important to consider recent and emerging science on chaparral ecology and structure protection when choosing the best management strategies for these plant communities and the adjacent urban areas. The Forest Service has not rejected the objector’s suggestion to use best available science, but rather has stated that the science suggested by the objector is more appropriately applied at the project level than at the Land Management Plan level.

Final Instructions to Responsible Official:

There are no instructions in response to these issues.

Trails

Objection Issue Summary:

In general, the objector disagrees with Angeles’ decision for new Recommended Wilderness (RW) in the Fish Creek area without Backcountry Non-Motorized (BCNM) corridors that would allow for future mountain bicycle access. The objector indicates the desire for more mountain biking opportunities; however, current use by mountain bicyclists is very low. (Sollberger)

Summary of Record Review Findings:

The ROD states “Although Alternative 2 provided narrow BCNM corridors through the Fish Canyon IRA that would have maintained mountain bike use as a suitable activity, after reviewing the comments on the Draft SEIS I decided that the more appropriate future condition for the entire area would be to manage it as RW as proposed in Alternative 2a. The many miles of additional boundary these corridors would have introduced would have made management of the zones much more difficult. My decision to select Alternative 2a changes the zoning associated with approximately 20 miles of existing trails and 4 miles of existing road (Sawtooth Road) from LUZs where bicycles are currently suitable, to RW, where bicycles are not suitable” (ANF Draft ROD, pp. 4-5).

Increased management complexity from boundary miles would require additional boundary signing, add non-suitable uses into areas zoned for RW, and increase the potential for resource management issues such as invasive weeds.

The ROD states, “A wide range of opportunities for mountain bike use, basically the entire Forest road and trail systems, remain unchanged” (ANF Draft ROD, pp. 4-5). The FSEIS, on page 257, states Alternative 2a would affect mountain biking opportunities in the Fish Canyon and Barker Valley IRAs. Appendix 2 identifies mountain bike use of the trails as being low and the demand for wilderness is currently being met (FSEIS, Appendix 2, pp. 6-7). The Golden Eagle Trail was kept available for future mountain bike use by adjusting RW boundaries during the FSEIS planning process. This trail currently is the most popular trail in the area for mountain biking when compared to the Fish Canyon and Burnt Peak Trails (FSEIS Appendix 2, pg. 6).

The FSEIS incorrectly states on page 256, “There would be no change to the current level of public access on the existing road and trails”. This appears to be an editing error, as the statement is incorrect with respect to the effects of Alternative 2a on the existing road system.

Alternatives 2 and 2a should result in beneficial effects to toads. Effects include fewer impacts to individuals within the occupied IRAs as compared to Alternative 1 due to more restrictions on motorized access and mechanized use (FSEIS, pg. 161). Motorized or mechanized recreational opportunities can be provided outside RW now and into the future, but fragmented habitat and long term scenic impacts are much harder to reverse (ANF Draft ROD, pg. 3).

The benefits of designating this area as RW go beyond just the ecological benefits or the restriction of future use for mountain bikes. These combined IRA’s comprise the largest available block of contiguous, relatively undisturbed habitat on the Angeles National Forest that is not already designated as wilderness. The addition of RW areas outside the IRA’s, and the elimination of narrow BCNM corridors along existing trails in Alternative 2a will enhance manageability by reducing the overall number of boundary miles. The ecological benefits of preserving and recognizing this unique resource outweigh a loss of some current and future recreational opportunities, and the modest increase in costs of managing lands as wilderness (ANF Draft ROD, pg. 3).

Final Instructions to Responsible Official:

In response to the discussion at the resolution meeting, clarify in the ROD that RW designation doesn’t automatically close RW to mountain bike access. Such a closure would require a forest order.

Instructions to Responsible Official

- 1) Clarify in the ROD that RW designation doesn't automatically close RW to mountain bike access. Such a closure would require a forest order.
- 2) Correct the description of Alternative 2a in the Roads and Trails section on page 256 paragraph 1 of the FSEIS, by issuing an errata to delete the sentence "There would be no change to the current level of public access on the existing roads and trails."

Conclusion

As described above, I made a reasonable and appropriate effort to resolve the concerns that were brought forward while maintaining a balanced approach to managing the lands and meeting the purpose of the amendment process.

By copy of this letter, I am instructing Forest Supervisor Tom Contreras to proceed with issuance of a Record of Decision for this amendment once all instructions identified in this objection response have been addressed. There will be no further review of this response by any other Forest Service or U.S. Department of Agriculture official as per 36 CFR 219.57 (b)(3).

Sincerely,

/s/ Ronald G. Ketter
RONALD G. KETTER
Deputy Regional Forester
Reviewing Officer

cc: Thomas A Contreras